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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,300	02/27/2004	Padakandla Krishna Rao	51085-3 /slb	8776

7380 7590 02/08/2007  
SMART & BIGGAR  
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CANADA

EXAMINER
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PORTIS, SHANTELL L

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/787,300	PADAKANDLA KRISHNA RAO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Shantell Portis	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. ~~The following is a quotation of the second paragraph of 35 U.S.C. 112.~~

~~The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.~~

2. ~~Claims 22 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.~~

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Heubel et al. (Heubel), U.S. Patent No. 6,751,468.

**Regarding Claims 1, 12 and 21-24**, Heubel discloses a method of messaging during an active half-duplex session between a plurality of user devices capable of walkie-talkie-like functionality, the method comprising: a first user device (**wireless unit B**) of said plurality of user devices while in a receiving in half-duplex (RHD) mode for an active half-duplex session, transmitting a transmit channel request message (TCRM) to a network; the network forwarding the TCRM to a second user device (**wireless unit A**) of said plurality of user devices while the second user device is in a transmitting in half-duplex (THD) mode for the active half-duplex session; and the

second user device receiving the TCRM (**once user A finishes speaking, user B may wish to speak. Wireless unit A receives a channel assignment from the BMI. The transmitting wireless unit A becomes the receiving unit and receiving wireless unit B becomes the transmitting unit; Col. 6, lines 19-52).**

**Regarding Claims 2 and 13,** Heubel discloses wherein each user device of the plurality of user devices is a wireless device (**wireless unit A and B).**

**Regarding Claims 3 and 12,** Heubel discloses further comprising the first user device locally receiving a request to transmit the TCRM (**the wireless unit B receives a request from user B in which user B presses the PTT button to communicate that the user wishes to speak).**

**Regarding Claim 4,** Heubel discloses wherein the half-duplex session is a voice communication session compliant with at least one system selected from the group of iDEN.TM., 1XRTT CDMA, GSM/GPRS, UMTS, and TDMA (**the systems and methods allow for an efficient transmission of Push To Talk mode calls over a Time Division Multiple Access system; see abstract and Col. 2, line 67).**

**Regarding Claims 5, 15, 16, 19, 21 and 24,** Heubel discloses further comprising including an identification of the first user device in the TCRM at least when the TCRM is forwarded to the second user device (**a PTT call type identifier is included in messages; Col. 5, lines 2-4).**

**Regarding Claims 6 and 12,** Heubel discloses further comprising: the second user device in response to receiving the TCRM generating a user-detectable notification indicating the second user device has received the TCRM (**once wireless**

**unit A identifies the transition, wireless unit A notifies the user through an audible tone; Col. 6, lines 43-45).**

**Regarding Claims 7 and 15,** Heubel discloses further comprising: the second user device generating user-detectable notification indicative of the identification of the first user device **(see rejections for claims 5 and 6).**

**Regarding Claim 8,** Heubel discloses further comprising: the network, upon receiving the TCRM from the first user device, determining a talk group the first user device is participating in, determining another user device in the talk group that is in THD mode, which another user device is said second user device **(see rejection for claim 1).**

**Regarding Claims 9, 17 and 19,** Heubel discloses further comprising including a qualifier flag in the TCRM at least when the TCRM is forwarded to the second user device **(a qualifier flag is inherently included in the message).**

**Regarding Claims 10, 17 and 19,** Heubel discloses further comprising performing extended functionality in response to a value of the qualifier flag **(user A has the option as to whether they wish to accept the PTT call; Col. 5, lines 48-52 and Col. 6, lines 53-55).**

**Regarding Claims 11, 18 and 20,** Heubel discloses wherein the extended functionality comprises at least one functionality selected from the group consisting of: a) registering a continuing transmit channel request at the THD device; b) canceling a transmit channel request at the THD device; and c) performing automatic release of the

Art Unit: 2617

transmit channel by the THD device (**Col. 6, lines 19-52 and see rejection for claim 10**).

**Regarding Claim 14**, Heubel discloses wherein the active half-duplex session is a push-to-talk.TM. half-duplex voice communication session (**Col. 6, lines 19-25**).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Metais et al., U.S. Patent No. 7,136,663 discloses a method for controlling a communications channel shared by several stations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantell Portis whose telephone number is 571-272-0886. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/787,300  
Art Unit: 2617

Page 6

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
SLP

  
LESTER G. KINCAID  
SUPERVISORY PRIMARY EXAMINER